

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SUSAN BEILFUS-PAUL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07 C 6549
)	
DERMALOGICA, INC.,)	Judge Leinenweber
)	
Defendant.)	Magistrate Judge Schenkier
)	
)	

MOTION TO DISMISS

NOW COMES the Defendant, DERMALOGICA, INC., by and its attorneys, NIELSEN,
ZEHE & ANTAS, P.C., and for its Motion to Dismiss pursuant to Rule 12(b)(6), states as follows:

1. Plaintiff, Susan Beilfus-Paul signed and filed her charge of discrimination with the Equal Employment Opportunity Commission on January 8, 2007. *See Charge of Discrimination, attached hereto as Exhibit A.*
2. In her charge of discrimination, Plaintiff alleges that the last act of discrimination occurred on March 10, 2006. *Exhibit A.*
3. In Illinois, a complainant must file a charge with the EEOC within 300 days of the alleged discriminatory act and failure to do so renders the charge untimely. 42 U.S.C. §2000e-5(e); Filipovic v. K&R Express Systems, Inc., 176 F.3d 390, 396 (7th Cir. 1999); Koelsch v. Beltone Elec. Corp., 46 F.3d 705, 707 (7th Cir. 1995).
4. A total of 304 days elapsed between the last alleged act of discrimination and Plaintiff's filing of the Charge of Discrimination on January 8, 2007.

5. At the time Plaintiff filed her charge of discrimination with the EEOC, the limitations period had elapsed. Thus, such untimeliness bars the present action.

WHEREFORE, the Defendant, Dermalogica, Inc., respectfully requests that this Court enter an order dismissing Plaintiff's Complaint with prejudice together with such further relief as this Court deems just and proper.

s/Joanne M. Rogers

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